

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shania Roach	Team: Team # 1	CCRB Case #: 201306858	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 07/29/2013 2:35 PM	Location of Incident: West 207th Street and 9th Avenue	Precinct: 34	18 Mo. SOL 1/29/2015	EO SOL 1/29/2015	
Date/Time CV Reported Mon, 07/29/2013 6:53 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 07/29/2013 6:53 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Stephen Polesovsky	17083	940589	PBMN TF

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Haugh	00842	936741	PBMN TF

Officer(s)	Allegation	Investigator Recommendation
A.POM Stephen Polesovsky	Discourtesy: PO Stephen Polesovsky spoke discourteously to § 87(2)(b)	
B.POM Stephen Polesovsky	Abuse: PO Stephen Polesovsky strip-searched § 87(2)(b)	
C.POM Stephen Polesovsky	Abuse: PO Stephen Polesovsky refused to provide his name to § 87(2)(b)	
D.POM Stephen Polesovsky	Force: PO Stephen Polesovsky used physical force against § 87(2)(b)	

Case Summary

On July 29, 2013, § 87(2)(b) filed this complaint with IAB (encl. B 1-3). The complaint was subsequently referred to the CCRB under IAB log # 2013-32395. On that same date, § 87(2)(b) filed the same complaint on the CCRB's website (encl. B 6-12). On July 29, 2013, § 87(2)(b)'s vehicle was stopped by PO Stephen Polesovsky and PO Joseph Haugh of Patrol Borough Manhattan North Task Force. The following allegations arose as a result of this encounter:

- **Allegation A- Discourtesy: PO Stephen Polesovsky spoke discourteously to** § 87(2)(b)
- **Allegation B- Abuse of Authority: PO Stephen Polesovsky strip-searched** § 87(2)(b)
- **Allegation C- Abuse of Authority: PO Stephen Polesovsky refused to provide his name to** § 87(2)(b)
- **Allegation D- Physical Force: PO Stephen Polesovsky used physical force against**

§ 87(2)(b)

§ 87(2)(g)

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b) § 87(2)(b)

- § 87(2)(b) § 87(2)(b) is § 87(2)(b)-old Hispanic male, who stands 5'5", and weighs 157 pounds, with a bald head and brown eyes.
- § 87(2)(b) § 87(2)(b)

CCRB Statement

§ 87(2)(b) § 87(2)(b) provided a phone statement on August 6, 2013 (encl. C 1-2), was interviewed at the CCRB on October 17, 2013 (encl. C 4-11), and filed a Notice of Claim on § 87(2)(b) § 87(2)(g)

On July 29, 2013, at approximately 3:00 p.m., § 87(2)(b) left § 87(2)(b) and was crossing a pedestrian bridge located at West 207th Street and 9th Avenue in Manhattan. As he was walking on the southern side of the bridge, he came across a dark colored mini-SUV that was parked on the side of the roadway, on the eastbound lane. A Hispanic male, identified through the investigation as § 87(2)(b) yelled out from the driver's seat, "Primo. Primo. Ayudarme," which translates to "Cousin. Cousin. Help me." § 87(2)(b) § 87(2)(b) did not know why § 87(2)(b) was calling out for help. § 87(2)(b) § 87(2)(b) also observed two children in the back seat of the vehicle. § 87(2)(b) § 87(2)(b) approached the vehicle to observe what was happening. When § 87(2)(b) § 87(2)(b) got closer, he saw a police car stopped as well.

§ 87(2)(b) was about to leave when PO Polesovsky, identified through the investigation and described as a uniformed white male, who stood 6' 3" with a muscular build and a bald head,

called § 87(2)(b) over and gestured in a “come here” motion. § 87(2)(b) approached PO Polesovsky, and stood on the opposite side of the guard rail from where PO Polesovsky stood.

PO Polesovsky asked § 87(2)(b) if he knew § 87(2)(b) who was sitting in the vehicle. § 87(2)(b) told him he did not and PO Polesovsky told § 87(2)(b) to, “Take a hike.” § 87(2)(b) replied, “Sir, with all due respect, you don’t have the right to disrespect me. I did nothing wrong.” § 87(2)(b) also told PO Polesovsky that he should act with integrity. § 87(2)(b) observed PO Polesovsky become visibly upset, because his face looked angry, and his tone changed. § 87(2)(b) asked PO Polesovsky for his name. PO Polesovsky did not give it to him. Instead, PO Polesovsky jumped over the guardrail, then circled around § 87(2)(b) so that § 87(2)(b) was between PO Polesovsky and the guardrail. PO Polesovsky asked § 87(2)(b) for his identification; however, § 87(2)(b) did not provide it because he was afraid to move. PO Polesovsky mentioned the definition of integrity, and told § 87(2)(b) that his definition of the word was incorrect. PO Polesovsky then told § 87(2)(b) that if he did not have identification, he would be placed under arrest.

PO Polesovsky grabbed § 87(2)(b) by his arms, turned him around, and pushed him up against a nearby fence, face first. PO Polesovsky then hit § 87(2)(b) on his right shoulder, his back, in the ribs, and then in the groin. § 87(2)(b) did not know what PO Polesovsky hit him with. When he was hit in the groin, § 87(2)(b) was unsure if he was being hit with a hand or a knee. While he was being hit, § 87(2)(b) had his hands against the fence, gripping it. PO Polesovsky did not say anything to him. PO Polesovsky placed handcuffs on § 87(2)(b) and then placed him inside of the police vehicle. While he was being escorted, § 87(2)(b) saw that § 87(2)(b) had gotten out of his car and was holding up a cellphone. He did not know where PO Joseph Haugh was during the incident.

§ 87(2)(b) was driven to the 34th Precinct stationhouse by PO Polesovsky and PO Haugh. At the stationhouse, § 87(2)(b) was sat on a bench and handcuffed to a board while PO Polesovsky began writing a summons at the front desk. During § 87(2)(b) phone statement, he alleged that an officer inside of the stationhouse said, “They think they own this country but they don’t even speak English.” However, § 87(2)(b) did not make this allegation during his in-person statement. § 87(2)(b) was then placed in a holding cell and asked an officer who walked by for medical attention. Later, EMS came and § 87(2)(b) received medical attention in a room next to the holding cell.

After some time, § 87(2)(b) was released with a summons § 87(2)(a) 160.50. § 87(2)(b) did not remember who handed him the ticket, but believed it was PO Polesovsky. § 87(2)(b) received his belongings and left the stationhouse.

After being prompted by his civil attorney at the conclusion of the interview, § 87(2)(b) alleged that after he left the stationhouse he realized that his laptop, watch, and cash in the amount of \$2,400.00, were no longer in his bag that was confiscated when he was taken to the stationhouse. § 87(2)(b) did not make this allegation in his initial complaint or during his phone statement.

§ 87(2)(g)

Complainant/Victim: § 87(2)(b)

- *At the time of the incident, § 87(2)(b) was a § 87(2)(b)-old Hispanic male.*

Phone Statement

On August 14, 2013, § 87(2)(b) provided the following phone statement (encl. C3). ■■■

§ 87(2)(g)

On July 29, 2013, at approximately 3:00 p.m., § 87(2)(b) was driving on West 207th Street with three children in the car. He wanted to make a turn to get onto the bridge but there was a truck blocking the intersection. § 87(2)(b) drove on the sidewalk to get around the truck and was subsequently pulled over by a police car once he was on the bridge. § 87(2)(b) did not have his license, so he called his wife so that she could get the license number for him to provide to PO Haugh. § 87(2)(b) described PO Haugh as a tanned, Hispanic looking male who appeared to be in his mid-30s, stood 6'1", with black hair and an athletic build, and wore a uniform. Because § 87(2)(b)'s name is incorrect in the DMV system, the officers had difficulty identifying him. Once he was identified, § 87(2)(b) was issued three summonses; § 87(2)(b)

After § 87(2)(b) was issued the summonses, PO Polesovsky approached the passenger side of the vehicle and told § 87(2)(b) to turn off the vehicle. PO Polesovsky was described as bald, 6'5", muscular male with a light complexion, a moustache, and he wore a blue uniform. § 87(2)(b) asked why he had to turn off the car because he had just received summonses from PO Haugh. PO Polesovsky told § 87(2)(b) "Get out the fucking vehicle," as he took § 87(2)(b)'s keys and put them on top of the car. PO Polesovsky then pulled § 87(2)(b) out of the car. PO Polesovsky took § 87(2)(b) to the back of the car and strip searched him by pulling down his pants and then lifting up his tank top in plain view on the street. § 87(2)(b) yelled out because he was afraid. PO Haugh, who stood nearby, did not try to stop PO Polesovsky. § 87(2)(b) called out for somebody to record what was happening.

A passerby, identified by the investigation as § 87(2)(b), § 87(2)(b) stopped and started to pull out his cellphone. PO Polesovsky immediately jumped the railing and slammed § 87(2)(b), § 87(2)(b) into the fence. § 87(2)(b), § 87(2)(b) was then handcuffed and was dragged on the ground by PO Polesovsky. § 87(2)(b), § 87(2)(b) screamed out about his arm and how he was just coming from school. PO Polesovsky put § 87(2)(b), § 87(2)(b) into the police car. § 87(2)(b) followed the officers to the 34th Precinct stationhouse where he filed a complaint.

Attempts to Contact Civilians

After providing a phone statement on August 14, 2013, § 87(2)(b) missed two scheduled appointments to provide a verified statement on August 19, 2013, and September 11, 2013.

NYPD Statements:

Subject Officer: PO STEPHEN POLESOVSKY

- *At the time of the incident, PO Stephen Polesovsky was § 87(2)(b)-old white male, with a bald head and blue eyes, who stood 6'3", and weighed 160 pounds,*
- *PO Stephen Polesovsky worked from 9:30 a.m. to 7:05 p.m. on July 29, 2013. He was first assigned to sector patrol and then mobilization. He was partnered with PO Joseph Haugh. They were in uniform and were assigned to a marked patrol car, vehicle number 4497.*

Memo Book

At 2:35 p.m., PO Polesovsky conducted a car stop at 207th and 10th Avenue with his partner. The car was going the wrong way and three children were improperly restrained in the rear seat. At 3:10 p.m., a passerby got involved in the car stop and was warned no less than five times to disperse for pedestrian safety and for officer's safety. At 3:13 p.m., § 87(2)(b) § 87(2)(b) (DOB: § 87(2)(b)), was placed under arrest § 87(2)(a) 160.50 At 3:17 p.m., they arrived at the 34th Precinct stationhouse. At 3:20 p.m., PO Polesovsky lodged an EMS request for prisoner, who had pain in his right thumb. At § 87(2)(b) EMS arrived and gave the perpetrator an ice pack. The perpetrator refused medical attention. The EMS' bus number was § 87(2) and the EMS worker's name was § 87(2)(b), shield #§ 87(2) At 4:25 p.m., the prisoner was released on C-summons § 87(2)(b)

Summons

At 2:35 p.m., a car was stopped at West 207th Street and 9th Avenue; § 87(2)(b) At 3:10 p.m., passerby gets involved in car stop and was warned no less than five times to disperse for pedestrian safety and officers' safety. A 3:15 p.m., one person was under arrest § 87(2)(a) 160.50 ; § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) (DOB: § 87(2)(b)). Arrived at the stationhouse at 3:17 p.m., and logged EMS request for prisoner for pain to left thumb at 3:20 p.m. At § 87(2)(b) EMS arrived and gave perpetrator an ice pack. The perpetrator refused medical attention; Bus § 87(2)(b) § 87(2)(b) Shield #§ 87(2) At 4:25 p.m., the prisoner was released with C-summons § 87(2)(b)

CCRB Statement

On February 19, 2014, PO Stephen Polesovsky was interviewed at the CCRB (encl. D 6-10).

On July 29, 2013, at 2:35 p.m., PO Polesovsky was in the patrol car with PO Joseph Haugh. PO Haugh was driving and PO Polesovsky was the recorder. They were parked just north of the intersection of West 207th Street and 9th Avenue, on a dead end street. PO Polesovsky and PO Haugh were in the middle of a mobilization, keeping an eye out for a missing person who might cross the bridge and monitoring vehicular traffic. Both officers saw § 87(2)(b) drive on the sidewalk before going northbound in the southbound lane of 9th Avenue after crossing over the double yellow lines. PO Haugh put the vehicle in drive and followed § 87(2)(b) PO Haugh and PO Polesovsky did not have a conversation in the vehicle before stopping § 87(2)(b)

PO Haugh used the turret lights and the siren to pull over § 87(2)(b)'s car while it was on the ramp, approximately 50 yards before getting onto the bridge itself. PO Haugh stopped the patrol car directly behind where § 87(2)(b) stopped his vehicle. PO Haugh approached the front driver's side window while PO Polesovsky approached the front passenger side of the car. Upon approaching the vehicle, PO Polesovsky noticed that there were three children in the back seat, improperly restrained. Two of the children were approximately two years old and the third child appeared to be four years old. One of the two year olds was in a booster seat instead of a car seat and the other two children were not seated in any device.

PO Haugh told § 87(2)(b) why he was stopped. PO Polesovsky did not recall exactly what PO Haugh said because he was on the other side of the vehicle and the passing traffic was loud. PO Polesovsky could not recall if § 87(2)(b)'s car windows were down. PO Haugh asked § 87(2)(b) for his identification, but he was unable to produce any. PO Haugh took § 87(2)(b)'s name and date of birth and both officers went back to the patrol car to run § 87(2)(b)'s name in the system

and verify his identity. The officers were unable to verify § 87(2)(b)'s identity in the system with the name that he provided.

PO Polesovsky and PO Haugh approached § 87(2)(b) a second time and PO Haugh informed him that there was an issue with the information he provided. § 87(2)(b) said that his date of birth on the Department of Motor Vehicle's system is incorrect, and does not reflect his actual date of birth. PO Haugh asked § 87(2)(b) to explain the discrepancy further, but PO Polesovsky did not know what the explanation was.

PO Polesovsky asked § 87(2)(b) to turn off his car and hand over his keys, because he did not want § 87(2)(b) to drive off in case he had a warrant or in case § 87(2)(b) was lying about his information. § 87(2)(b) complied and handed over the keys. PO Polesovsky did not say to § 87(2)(b) "Turn off the fucking vehicle," "Give me your fucking keys," or, "Get out of the fucking vehicle." PO Polesovsky did not reach into the vehicle to remove the keys. Once he received the keys, PO Polesovsky put the keys on top of the car. § 87(2)(b) started yelling that the children needed air conditioning and in response PO Haugh told § 87(2)(b) that the windows were down and that there was a cross breeze. PO Haugh got another date of birth from § 87(2)(b) and the officers returned to the car to check it.

The officers went back and forth from the patrol car to § 87(2)(b)'s vehicle multiple times to speak with him about the information he provided. § 87(2)(b) became increasingly frustrated and raised his voice, eventually screaming and yelling. § 87(2)(b) told the officers that he was being stopped for no reason, and that an individual had told § 87(2)(b) to drive on the wrong side of the road. § 87(2)(b)'s screaming caused the children to become upset and cry. § 87(2)(b) yelled out that the officers were scaring his children. PO Haugh told § 87(2)(b) that the children were not properly restrained in the rear seat of the car. PO Haugh received another date of birth to try in the system and the officers returned to the car.

During one of the times when the officers went back to the patrol car to run § 87(2)(b)'s information, § 87(2)(b) stepped out of his vehicle without any instruction to do so. § 87(2)(b) yelled and pointed at the officers as he walked towards the officer's vehicle. § 87(2)(b) used "colorful language", but PO Polesovsky could not remember the exact words he used. PO Polesovsky stood on the passenger side of the patrol car and PO Haugh sat in the passenger's seat trying to run § 87(2)(b)'s information. PO Polesovsky ordered § 87(2)(b) to get back into his car numerous times for the officer's safety and for § 87(2)(b)'s safety, so he would not get hit by a passing car on the bridge. § 87(2)(b) refused to comply with multiple orders to get back into the vehicle and continued walking towards the police vehicle as he yelled and screamed. PO Polesovsky and § 87(2)(b) walked towards each other, and met at the rear of § 87(2)(b)'s vehicle.

PO Polesovsky did not remember where § 87(2)(b)'s hands were as he approached the vehicle, but remembered that § 87(2)(b) did not have pockets to put his hands into. PO Polesovsky recalled that § 87(2)(b) wore a T-shirt and basketball shorts. PO Polesovsky did not recall observing any bulges on § 87(2)(b)'s person, nor did he suspect § 87(2)(b) of having a weapon. Although PO Polesovsky did not suspect § 87(2)(b) of having a weapon, he frisked § 87(2)(b) who stood at the rear of his vehicle to make sure that § 87(2)(b) did not have any weapons. PO Polesovsky's reason for frisking § 87(2)(b) was because § 87(2)(b) yelled at the officers and refused to comply with orders to return to his vehicle which made PO Polesovsky fear for his safety. PO Polesovsky frisked § 87(2)(b) around his torso and around his waistband, because

weapons are commonly kept there. PO Polesovsky did not feel any bulges during the frisk. PO Polesovsky did not pull § 87(2)(b)'s shorts down around his knees or lift his t-shirt above his stomach during the frisk. PO Polesovsky then looked through the windows of the car to see if there were any weapons inside of the vehicle. When he did not see any, PO Polesovsky told § 87(2)(b) to get back into the car and § 87(2)(b) complied. PO Polesovsky returned to the patrol car.

Once PO Haugh found § 87(2)(b) in the DMV system, he waited for a warrant check to be completed. The warrant check came back negative and PO Haugh wrote out the summonses. When PO Haugh was about to approach § 87(2)(b) and hand the summonses to him, PO Haugh and PO Polesovsky saw that a passerby, § 87(2)(b), had approached § 87(2)(b)'s vehicle. § 87(2)(b) stopped across the barrier, which was next to the front passenger side window and engaged in a conversation with § 87(2)(b) solely in Spanish. § 87(2)(b) was screaming and yelling to § 87(2)(b) while § 87(2)(b) spoke in a normal tone of voice. Because PO Polesovsky does not speak Spanish he did not know what the two men were saying, but he did recognize the term, "Primo. Primo. Ayudame."

PO Polesovsky approached and placed himself in between § 87(2)(b) and § 87(2)(b)'s vehicle, because he did not know if § 87(2)(b) had a legitimate reason to be at the scene. PO Polesovsky was concerned for officer safety because he did not know what § 87(2)(b) and § 87(2)(b) were saying to each other, due to the language barrier. PO Polesovsky did not feel comfortable being placed in a situation where he was sandwiched in between § 87(2)(b) and § 87(2)(b) during a car stop.

PO Polesovsky asked § 87(2)(b) if he knew § 87(2)(b) because § 87(2)(b) had been yelling out the word cousin. § 87(2)(b) in fluent English, said he did not. PO Polesovsky asked § 87(2)(b) if he had any reason to stop and talk to § 87(2)(b). When § 87(2)(b) said he did not, he told § 87(2)(b) "I can't have you standing there. I need you to walk down the street so that I can approach the vehicle." § 87(2)(b) said, "You can't tell me what to do, I don't have to." PO Polesovsky asked § 87(2)(b) no less than five times to leave the area, and explained that he did not want to face the vehicle while § 87(2)(b) was standing behind him. PO Polesovsky told § 87(2)(b) after the fifth warning, that if he did not go down the street, he would be placed under arrest for obstructing governmental administration. During PO Polesovsky's conversation with § 87(2)(b), § 87(2)(b) continued to speak to § 87(2)(b) in Spanish.

PO Polesovsky considered issuing a summons to § 87(2)(b) because of his noncompliance, but did not want to do that on the scene because he would still be between § 87(2)(b) and § 87(2)(b) leaving PO Polesovsky at a tactical disadvantage. PO Polesovsky also considered charging § 87(2)(b) with obstruction of government administration. § 87(2)(b) asked PO Polesovsky for his name. PO Polesovsky told him, "My name is Officer Polesovsky." § 87(2)(b) said, "I want it again," and kept repeating the request. PO Polesovsky told § 87(2)(b) that if he went down the street, he would talk to § 87(2)(b) for as long as he liked. § 87(2)(b) did not move and remained standing where he was.

When § 87(2)(b) did not comply with walking away, PO Polesovsky stepped over the barrier that separates the vehicular traffic from the pedestrian traffic. PO Polesovsky hoped that by stepping over the guard rail, § 87(2)(b) would realize how serious he was; however, § 87(2)(b) did not move and remained standing in the same position. PO Polesovsky asked § 87(2)(b) for his identification, because he intended to issue him a summons. PO Polesovsky did not believe that § 87(2)(b) provided his identification or made any attempt to retrieve it. When asked if he told

§ 87(2)(b) that if he did not have any identification, he would be placed under arrest, PO Polesovsky said that he probably did.

During this time, PO Polesovsky observed a bulge in one of § 87(2)(b) pants pockets. The bulge appeared to be in the shape of a box cutter, a folding knife, or a gravity knife. § 87(2)(b) put both of his hands into his pockets. PO Polesovsky grabbed § 87(2)(b) wrists and lifted them up to remove § 87(2)(b) hands from his pockets because he feared that § 87(2)(b) was reaching for a weapon. PO Polesovsky turned § 87(2)(b) around, and placed § 87(2)(b) hands against the fence that lines the pedestrian walkway and handcuffed him. PO Polesovsky did not need to use any force against § 87(2)(b) because § 87(2)(b) did not resist. PO Polesovsky denied striking § 87(2)(b). PO Polesovsky frisked the bulge and it turned out to be a cellphone. PO Polesovsky did not know where PO Haugh was during his interaction with § 87(2)(b). During the incident, PO Polesovsky did not recall any other individuals being in the surrounding area of where the incident took place.

PO Polesovsky walked § 87(2)(b) down the sidewalk because he did not want to navigate § 87(2)(b) over the barrier while he was in handcuffs. They walked towards West 207th Street and 9th Avenue, went around the barrier, and then walked back up the bridge towards the patrol car. While PO Polesovsky did this, PO Haugh was issuing summonses to § 87(2)(b). PO Polesovsky placed § 87(2)(b) in the patrol car and PO Haugh got into the car as well. PO Polesovsky drove § 87(2)(b) to the 34th Precinct stationhouse.

As PO Haugh and PO Polesovsky drove to the stationhouse, § 87(2)(b) followed the officers in his own car and a second SUV started following the patrol car as well. The second SUV swerved over the double yellow lines, drove through numerous red lights as it followed the patrol car and tried to cut the patrol car off. The individual in the SUV was screaming out of the window at the officers; however, PO Polesovsky could not hear what the person said because both vehicles were moving.

Either PO Polesovsky or PO Haugh called for assistance, and requested that officers from the stationhouse meet them outside because they were being followed and they needed to transport § 87(2)(b) into the stationhouse without being attacked by the person who followed them. At the stationhouse, PO Polesovsky walked § 87(2)(b) into the stationhouse while PO Haugh stayed outside with the other officers to deal with the individuals who had followed them.

In the stationhouse, PO Polesovsky stood § 87(2)(b) by the desk sergeant's desk. When § 87(2)(b) was lodged in the holding cell, PO Polesovsky also called EMS because § 87(2)(b) said that his wrist hurt from when PO Polesovsky put the handcuffs on him. EMS came to the stationhouse and gave § 87(2)(b) an icepack for his wrist. § 87(2)(b) refused to go to the hospital.

After the warrant check, rather than issue § 87(2)(b) a desk appearance ticket § 87(2)(a) 160.50, PO Polesovsky used his discretion and issued § 87(2)(b) a summons only § 87(2)(a) 160.50 because § 87(2)(b) repeatedly apologized for his behavior and PO Polesovsky felt that § 87(2)(b) was a nice person despite the circumstances. § 87(2)(a) 160.50

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Witness Officer: PO JOSEPH HAUGH

- *At the time of the incident, PO Joseph Haugh was a § 87(2)(b) -old white male, with brown hair and brown eyes, who stood 5'11", and weighed 185 pounds.*
- *On the date of the incident, PO Haugh worked from 9:30 a.m. to 7:05 p.m. He was first assigned to Sector Patrol and then Mobilization. He was partnered with PO Stephen Polesovsky. They were in uniform and were assigned to a marked patrol car, vehicle number 4497.*

Memo Book

At 2:35 p.m., PO Haugh conducted a motor vehicle stop at the South-East corner of West 207th Street and 9 Avenue, on the 207th Street bridge. At 3:05 p.m. he issued three summonses to § 87(2)(b) (DOB: § 87(2)(b); § 87(2)(b)). The motorist did not display his driver's license. Motorist initially stated that his date of birth § 87(2)(b), which revealed no record of a NY driver's license. Motorist later stated his date of birth displayed on driver's license is § 87(2)(b). He was driving a 2011 Black Chevy Suburban with NY Registration § 87(2)(b). Computer check revealed NYS Class D driver's license § 87(2)(b) which is valid. He was issued summons number § 87(2)(b) and § 87(2)(b) for § 87(2)(b) and § 87(2)(b) for § 87(2)(b). At 3:25 p.m., one motor vehicle was stopped in front of the 34th Precinct stationhouse. At 3:35 p.m., three summonses were issued to § 87(2)(b) (DOB: § 87(2)(b); § 87(2)(b)). He has a class D driver's license, § 87(2)(b) and was driving a black 2001 Mitsubishi Suburban. He was issued three summonses; summons § 87(2)(b) § 87(2)(b), summons § 87(2)(b) and § 87(2)(b) § 87(2)(b). § 87(2)(b) was observed traveling southbound on Broadway through several red lights, driving on the wrong side of the road, and recorded the patrol car with his phone (encl. D 11-14).

CCRB Statement

On February 19, 2014, PO Joseph Haugh was interviewed at the CCRB (encl. D 15-18). § 87(2)(g)

On July 29, 2013, at 2:35 p.m., PO Haugh was parked north of the intersection of West 207th Street and 9th Avenue, facing southbound when he and PO Stephen Polesovsky simultaneously observed § 87(2)(b) driving the wrong way on 9th Avenue. PO Haugh followed § 87(2)(b) and pulled him over using lights and sirens.

PO Haugh approached the front driver's side of the vehicle and PO Polesovsky approached on the passenger side of the vehicle. PO Haugh explained to § 87(2)(b) that he had been pulled over because he was travelling in the wrong lane of traffic on 9th Avenue. PO Haugh observed that there were three children in the back seat. The two year old was on the passenger side and sitting in a booster seat. The four year olds were in seat belts and were not in car seats. PO Haugh explained that seat belts are not sufficient when the children are that young and asked § 87(2)(b) for his license and registration. § 87(2)(b) might have provided his registration and insurance, but did not have his driver's license. PO Haugh took § 87(2)(b)'s information, either from § 87(2)(b) or from the registration, and took it back to the patrol car to see if he had a valid driver's license. PO Polesovsky and PO Haugh both returned to the patrol car. PO Haugh called the command to conduct a warrant check on § 87(2)(b) and verify the information he provided. When PO Haugh provided the information to the command, it did not

yield any results which led PO Haugh to believe that § 87(2)(b) provided false information. While in the patrol car, PO Haugh told PO Polesovsky that he wanted § 87(2)(b) to step out of the vehicle so that he could be questioned at the rear of the vehicle. PO Haugh walked back to § 87(2)(b) and told him that he would have to explain why he was having trouble finding § 87(2)(b)'s information. PO Polesovsky, who stood at the passenger side window, instructed § 87(2)(b) to shut off the vehicle and remove the keys. PO Haugh did not hear PO Polesovsky tell § 87(2)(b) "Turn off the fucking vehicle. Give me your fucking keys." PO Haugh did not hear PO Polesovsky say, "Get out of the fucking vehicle," to § 87(2)(b). PO Haugh did not recall PO Polesovsky using any profanity towards § 87(2)(b).

§ 87(2)(b) stepped out of the vehicle and PO Haugh guided him to the rear of the vehicle. § 87(2)(b) wore baggy gym shorts that were sagging below his waist and a tank top. PO Haugh did not observe any bulges on § 87(2)(b)'s person. Once § 87(2)(b) was at the rear of the vehicle, PO Polesovsky frisked his shorts pockets because his identity was still unknown and neither officer knew if § 87(2)(b) was intentionally lying about who he was. The frisk was for weapons to maintain officer safety during the stop. PO Polesovsky did not pull down § 87(2)(b)'s shorts to his knees nor did he lift § 87(2)(b)'s shirt above his stomach.

PO Haugh asked § 87(2)(b) what the issue was with his identifying information. § 87(2)(b) replied that the date of birth on his driver's license is incorrect, provided an alternate date of birth, and became upset because the car stop was taking so long. PO Polesovsky participated in the discussion, but PO Haugh did not recall what he said. After providing the new information, § 87(2)(b) got back into his car and PO Haugh and PO Polesovsky returned to the patrol car.

The new information that § 87(2)(b) provided yielded results in the system and PO Haugh prepared summonses for § 87(2)(b). Two summonses § 87(2)(b) and one summons § 87(2)(b). When PO Haugh exited the patrol car to give the summonses to § 87(2)(b), he noticed that § 87(2)(b) was on the passenger side of the vehicle, speaking with § 87(2)(b). During the interview, PO Haugh was shown a picture of § 87(2)(b) and affirmed that he was the person who spoke to § 87(2)(b). PO Polesovsky approached § 87(2)(b) to find out why he was there. PO Haugh heard PO Polesovsky asking § 87(2)(b) to step away from the vehicle but § 87(2)(b) did not move. PO Haugh approached the front driver's side to give the summonses to § 87(2)(b). PO Haugh did not hear the conversation between PO Polesovsky and § 87(2)(b) because he was at the opposite side of the vehicle. § 87(2)(b) was yelling and the children in the backseat were crying. PO Haugh did not hear § 87(2)(b) ask PO Polesovsky for his name or shield number, and never heard PO Polesovsky inform him that if he did not have identification would be placed under arrest.

§ 87(2)(b) pulled out a cellphone and tried to record what was happening with PO Polesovsky and § 87(2)(b). When PO Haugh gave the summonses to § 87(2)(b), § 87(2)(b) pointed out that PO Polesovsky was arresting § 87(2)(b). PO Haugh walked to the other side of § 87(2)(b)'s car and observed PO Polesovsky standing behind § 87(2)(b) placing him in handcuffs. PO Haugh did not recall a crowd of people gathering to watch what was happening. The only force PO Polesovsky used was to grab § 87(2)(b)'s arms and place them behind his back. PO Haugh did not see PO Polesovsky strike § 87(2)(b). § 87(2)(b) looked like he was not happy about being placed in handcuffs because he was slumped over. PO Polesovsky walked § 87(2)(b) towards West 207th Street and 9th Avenue so that they could walk around the barrier separating the pedestrian walkway from vehicular traffic. PO Haugh walked parallel to them and met them at

the end of the barricade. PO Haugh took one of § 87(2)(b) arms while PO Polesovsky held the other and they walked back to the patrol car.

On the way to the 34th Precinct stationhouse, § 87(2)(b) followed the officers in his vehicle. During the ride to the stationhouse, at a red light at 90th Street and Broadway, a second vehicle stopped on the wrong side of the road. There were three occupants in the vehicle. The driver of that vehicle, § 87(2)(b) § 87(2)(b) had the window down and was screaming at PO Haugh and PO Polesovsky. § 87(2)(b) § 87(2)(b) yelled something to the effect of, “How dare you do that with my kid in the car,” and that he was going to meet the officers at the stationhouse. § 87(2)(b) § 87(2)(b) drove through red lights on Broadway as he followed the patrol car and stopped in front of the 34th Precinct stationhouse. A call for officer assistance was put over the radio so that officers from the stationhouse could meet them out front. § 87(2)(b) also continued to follow the patrol car.

At the stationhouse, PO Haugh stayed outside to deal with § 87(2)(b) and the individuals in the second vehicle. PO Haugh issued summonses to § 87(2)(b) § 87(2)(b) for driving through red lights and driving on the wrong side of the road. At this time, PO Haugh learned that one of the children in the back seat of § 87(2)(b) s vehicle was § 87(2)(b) § 87(2)(b) daughter and that § 87(2)(b) had called § 87(2)(b) § 87(2)(b) during the car stop. PO Haugh then went into the 34th Precinct stationhouse where he saw § 87(2)(b) § 87(2)(b) and § 87(2)(b) completing a complaint report in a back room of the stationhouse. PO Polesovsky was writing a summons to issue to § 87(2)(b) § 87(2)(b) at the front desk. When PO Haugh left with PO Polesovsky to go back to the Manhattan North Task Force command, § 87(2)(b) § 87(2)(b) was still completing a complaint form with § 87(2)(b).

Medical Records

§ 87(2)(b) § 87(2)(b) was taken to § 87(2)(b) and complained of pain to his wrist caused by an altercation with officers of the NYPD. § 87(2)(b) § 87(2)(b) had minor swelling to his wrist and was given 400 mg of ibuprofen.

NYPD Documents

SPRINT CD

On July 29, 2013, at 3:12 p.m., a man calls 911 and reports that PO Polesovsky, shield # 17083, is abusing him in front of his children at West 207th Street and 9th Avenue. The man then says, “Don’t touch me, I have a lawyer.” The man then says PO Haugh, shield # 842, is abusing him also. When the operator asks the man to explain how they are abusing him he does not answer. The operator tells the man to hold on while she transfers him to IAB. The man replies, “Yea, everything’s cool,” then hangs up.

The man calls back and says that the officers took his keys, disrespected him in front of his children, and then took him out of the car and strip searched him. The man addresses someone named § 87(2)(b) and says that he is going to follow the officers to the stationhouse. The man then tells the operator that a passerby recorded what the officers did to him. The operator puts him on hold so that she could transfer the call to IAB. While the man is on hold he says, “Fucking white mother fuckers, fucking abusing me in front of my kids.” The call ends abruptly.

An officer calls and tells the operator that he has one person under arrest at West 207th Street and 9th Avenue and says that the task force sergeant was notified. The operator calls for a 34th Precinct sergeant and asks him to go to West 207th Street and 9th Avenue. The operator reaches a sergeant

and explains that the task force unit had an arrest and a complainant called and said he was beat up by an officer and provided his name and shield number.

There is a call for assistance at 420 West 206th Street. Sector 34C and Task Force 4497 responded. TF4497 asks that the officers meet him in front of the 34th Precinct stationhouse. A 34th Precinct sergeant tells the unit to have their supervisor respond. The officer responds that he will but requests that a couple of units be in front of the stationhouse waiting to meet them. The officer explains that he is two blocks away and there are two cars following them to the stationhouse. Sector 34B replies that they are headed to the stationhouse (encl. E 1-15).

Medical Treatment of Prisoner Form

§ 87(2)(b) complained of pain to his right thumb and EMS bus number § 87(2)(b) responded to the stationhouse. EMS personnel, § 87(2)(b) shield # § 87(2)(b) checked § 87(2)(b) § 87(2)(b) § 87(2)(b) refused medical aid in the field and at the command (encl. E16).

Command Log

On July 29, 2013, PO Polesovsky arrested § 87(2)(b) § 87(2)(a) 160.50 § 87(2)(b) had \$21.00 in funds which were returned to him and none of his personal property was removed. § 87(2)(b) physical condition was apparently normal and he requested EMS. EMS bus number § 87(2)(b) arrived at the stationhouse and § 87(2)(b) complained of pain to his thumb and wrist. Sgt. Baez was the supervisor who verified the arrest. § 87(2)(b) was released at 4:25 p.m. with summons § 87(2)(b)

Summons for Incident and Disposition

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of with regard to the incident.
- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b), claiming arrest, imprisonment, loss of liberty, physical distress, embarrassment, humiliation, emotional distress, denial of constitutional rights, impairment of civil rights, and injuries to his head, neck, back, groin, and limbs, and is seeking \$2,000,000 as redress (encl. F 1-3). According to § 87(2)(b), the civil attorney who represented § 87(2)(b) when he filed the notice of claim, § 87(2)(b) never completed a 50h hearing and § 87(2)(b) no longer represents § 87(2)(b)

Civilian(s) Criminal History

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian(s) CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. A 3-4).

Subject Officer(s) CCRB History

- PO Polesovsky has been a member of the service for 8 years and there is one substantiated CCRB allegation against him (encl. A 1-2).

- In CCRB case number 200615874, a refusal to provide name and shield number against PO Polesovsky was substantiated. The board recommended a command discipline and his penalty was instructions.

Conclusion

Identification of Subject Officer

PO Polesovsky acknowledged interacting with § 87(2)(b) and § 87(2)(b).

Allegations Not Pled

§ 87(2)(b) alleged that when PO Polesovsky asked for his identification he did not provide it because he was too afraid to move. PO Polesovsky then informed § 87(2)(b) that he did not have identification he would be placed under arrest. PO Polesovsky stated that after instructing § 87(2)(b) to leave the location multiple times, he told § 87(2)(b) that he would be placed under arrest if he did not leave. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Investigative Findings and Recommendations

Allegation A- Discourtesy: PO Stephen Polesovsky spoke discourteously to § 87(2)(b)

Allegation B- Abuse of Authority: PO Stephen Polesovsky strip-searched § 87(2)(b)

§ 87(2)(b) alleged that after his vehicle was stopped by PO Polesovsky and PO Haugh, PO Polesovsky told him, “Get out the fucking vehicle,” and, “Turn off the fucking car and get out.” PO Polesovsky denied the allegation and denied using any profanity while he interacted with § 87(2)(b). PO Haugh did not hear PO Polesovsky make these statements and did not recall PO Polesovsky using any profanity during the incident.

§ 87(2)(b) alleged that PO Polesovsky pulled down his pants and lifted his tank top up while they were on the street. PO Polesovsky denied pulling down § 87(2)(b)'s pants and lifting his shirt and PO Haugh did not see PO Polesovsky do this.

§ 87(2)(b), § 87(2)(g)

Allegation C- Abuse of Authority: PO Stephen Polesovsky refused to provide his name to § 87(2)(b)

§ 87(2)(b) alleged that after PO Polesovsky approached him and told him to leave the location, § 87(2)(b) asked PO Polesovsky for his name and PO Polesovsky did not provide it. PO Polesovsky acknowledged that § 87(2)(b) asked for his name and he replied, “My name is Officer Polesovsky.” § 87(2)(b) said, “I want it again,” and kept repeating the request. PO Polesovsky told § 87(2)(b) that if he went down the street, he would talk to § 87(2)(b) for as long as he liked.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation D- Physical Force: PO Stephen Polesovsky used physical force against § 87(2)(b)

§ 87(2)(b)

§ 87(2)§ 87(2)(b) alleged that before he was handcuffed, PO Polesovsky grabbed him by his arms and pushed him face first into a nearby fence. PO Polesovsky then struck § 87(2)(b) on his right shoulder or his neck, on his back, in the ribs, and then in the groin. § 87(2)(b) could not tell what he was being hit with and was unsure if PO Polesovsky hit him with his hand or with his knee. PO Polesovsky denied striking § 87(2)(b) in any way and denied using any force against § 87(2)(b). The only PO Haugh saw PO Polesovsky use was grabbing § 87(2)(b) arms and placing them behind his back. PO Haugh did not see PO Polesovsky strike § 87(2)(b).

§ 87(2)(b), § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date